

ASSEMBLY BILL

No. 559

Introduced by Assembly Member Gordon
(Principal coauthor: Senator Hill)
(Coauthor: Assembly Member Brown)

February 20, 2013

An act to amend Section 1569.145 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 559, as introduced, Gordon. Residential care facilities for the elderly.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure of residential care facilities for the elderly by the State Department of Social Services. Existing law exempts from these provisions specified facilities, including general acute care hospitals, clinics, and recovery houses for individuals with drug or alcohol addiction.

This bill would add to the list of facilities that are exempt from regulation as a residential care facility for the elderly a home or facility approved and annually reviewed by the United States Department of Veterans Affairs as a medical foster home, as defined, in which care is provided exclusively to three or fewer veterans.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1569.145 of the Health and Safety Code is amended to read:

1569.145. (a) This chapter shall not apply to any of the following:

~~(a)~~

(1) A health facility, as defined by Section 1250.

~~(b)~~

(2) A clinic, as defined by Section 1200.

~~(c)~~

(3) A facility conducted by and for the adherents of a well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of that church or denomination.

~~(d)~~

(4) A house, institution, hotel, congregate housing project for the elderly, or other similar place that is limited to providing one or more of the following: housing, meals, transportation, housekeeping, or recreational and social activities; or that have residents independently accessing supportive services, provided, however, that no resident thereof requires an element of care and supervision or protective supervision as determined by the director. This subdivision shall not include a home or residence that is described in subdivision (f).

~~(e)~~

(5) Recovery houses or other similar facilities providing group living arrangements for persons recovering from alcoholism or drug addiction where the facility provides no care or supervision.

~~(f) (1)~~

(6) (A) An arrangement for the care and supervision of a person or persons by a family member.

~~(2)~~

(B) An arrangement for the care and supervision of a person or persons from only one family by a close friend, whose friendship preexisted the contact between the provider and the recipient, and both of the following are met:

~~(A)~~

1 (i) The care and supervision is provided in a home or residence
2 chosen by the recipient.

3 ~~(B)~~

4 (ii) The arrangement is not of a business nature and occurs only
5 as long as the needs of the recipient for care and supervision are
6 adequately met.

7 ~~(g)(1)~~

8 (7) (A) (i) Any housing occupied by elderly or disabled
9 persons, or both, that is approved and operated pursuant to Section
10 202 of Public Law 86-372 (12 U.S.C. Sec. 1701q), or Section 811
11 of Public Law 101-625 (42 U.S.C. Sec. 8013), or whose mortgage
12 is insured pursuant to Section 236 of Public Law 90-448 (12 U.S.C.
13 Sec. 1715z), or that receives mortgage assistance pursuant to
14 Section 221d(3) of Public Law 87-70 (12 U.S.C. Sec. 1715l), where
15 supportive services are made available to residents at their option,
16 as long as the project owner or operator does not contract for or
17 provide the supportive services.

18 ~~(B)~~

19 (ii) Any housing that qualifies for a low-income housing credit
20 pursuant to Section 252 of Public Law 99-514 (26 U.S.C. Sec. 42)
21 or that is subject to the requirements for rental dwellings for
22 low-income families pursuant to Section 8 of Public Law 93-383
23 (42 U.S.C. Sec. 1437f), and that is occupied by elderly or disabled
24 persons, or both, where supportive services are made available to
25 residents at their option, as long as the project owner or operator
26 does not contract for or provide the supportive services.

27 ~~(2)~~

28 (B) The project owner or operator to which paragraph (1) applies
29 may coordinate, or help residents gain access to, the supportive
30 services, either directly, or through a service coordinator.

31 (8) *A home or facility approved and annually reviewed by the*
32 *United States Department of Veterans Affairs as a medical foster*
33 *home, as defined in Section 17.73 of Title 38 of the Code of Federal*
34 *Regulations, in which care is provided exclusively to three or fewer*
35 *veterans.*

36 ~~(h)~~

37 (9) A similar facility determined by the director.

38 ~~(i)~~

39 (b) For purposes of this section, “family member” means a
40 spouse, by marriage or otherwise, child or stepchild, by natural

1 birth or by adoption, parent, brother, sister, half brother, half sister,
2 parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt,
3 uncle, first cousin, or a person denoted by the prefix “grand” or
4 “great,” or the spouse of one of these persons.
5 (j)
6 (c) A person shall not be exempted from this chapter’s licensure
7 requirements if he or she has been appointed as conservator of the
8 person, estate of the person, or both, if the person is receiving care
9 and supervision from the conservator as regulated by this chapter,
10 unless the conservator is otherwise exempted under other
11 provisions of this section.

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